



Resilient Environment Department

**URBAN PLANNING DIVISION**

1 N. University Drive, Box 102 | Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521

**DEVELOPMENT REVIEW REPORT FOR A PLAT NOTE AMENDMENT**

| Project Description |  |                      |   |
|---------------------|--|----------------------|---|
| Plat Name:          | Marketplace Partnership Center   | Number:              | 076-MP-96   |
| Application Type:   | Note Amendment   | Legistar Number:     | 21-1778   |
| Applicant:          | Cotton Center 19, LP and WPT Properties, LP  | Commission District: | 1   |
| Agent:              | Greenspoon Marder, LLC   | Section/Twn./Range:  | 27/51/40  |
| Location:           | North side of Miramar Parkway, between Southwest 148 Avenue and Southwest 145 Avenue | Platted Area:        | 26.4 Acres  |
| Municipality:       | City of Miramar  | Gross Area:          | N/A   |
| Previous Plat:      | N/A  | Replat:              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Meeting Date:       | January 25, 2022   |                      |   |

A location map of the plat is attached as **Exhibit 2**.

The Application is attached as **Exhibit 8**. The Urban Planning Division (UPD) distributed the application to agencies for review, as required by Sec. 5-181 of the Land Development Code.

| Platting History and Development Rights |   |                            |          |
|---|---|----------------------------|----------|
| Plat Board Approval:                    | September 2, 1997   | Plat Book and Page Number: | 166-35   |
| Date Recorded:                          | March 2, 1999   | Current Instrument Number: | 99123159 |
| Plat Note Restriction                   |   |                            |          |
| Original Plat:                          | This plat is restricted to 285,000 square feet of Office use on Parcel A-1, the remainder of the plat is restricted to 140,471 square feet of commercial use. Commercial/Retail uses are not permitted within the office use without the approval of the Board of County Commissioners who shall review, and address these uses for increased impacts. This restriction acknowledges the construction of a 4,897 square foot bank on a portion of Parcel A and C. However, for the purposes of impact fee assessment and concurrency review, the bank is vested for commercial use. No additional freestanding banks or banks with drive-thru facilities are permitted on the plat without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. |                            |          |
| Proposed Note:                          | This plat is restricted to 285,000 square feet of office use on <b>Parcel A-1.1 and 250 mid-rise units on Parcel A-1.2</b> . The remainder of the plat is restricted to 140,471 square feet of commercial use. Commercial/retail uses are not permitted within the office use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This restriction acknowledges the construction of a 4,897 square foot bank on a portion of Parcel A and C. However, for the purposes of impact fee assessment and concurrency review, the bank is vested for commercial use. <del>No additional freestanding banks or banks with drive-thru facilities are permitted on the plat without the approval of the Board of</del>                          |                            |          |

|         |  |
|---------|--|
|         | <del>County Commissioners who shall review and address these uses for increased impacts.</del> |
| Waiver: | Not Applicable   |

**1. Land Use**

Planning Council staff has reviewed the proposed plat note is consistent with the effective Land Use Plan for the City of Miramar. That plan designates the area covered by Parcel A-1 of this plat for the uses permitted in the “Commercial” land use category. The existing and proposed office use is in compliance with the permitted uses of the effective land use plan, see **Exhibit 3**.

**2. Affordable Housing**

Although this plat proposed to add 250 mid-rise units, it is not subject to Affordable Housing Policy 2.16.2, as the land was not the subject of a Broward County Land Use Plan amendment and the Planning Council staff has received written documentation that the City of Miramar allocated 250 “flexibility units” through Resolution No. 21-158 on September 1, 2021, see **Exhibit 3**. Therefore, the proposed 250 dwelling units are in compliance with the permitted uses and densities of the effective land use plan.

**3. Access**

Staff from the Highway Construction and Engineering Division, Traffic Engineering Division and Transit Division have reviewed this application and have no objection to this note amendment.

**4. Municipal Review**

The City of Miramar has submitted a letter of no objections dated September 29, 2021 supporting the application, see **Exhibit 4**.

**5. Concurrency – Transportation**

This plat is located within the South-Central Concurrency Management Area, which is subject to transportation concurrency fees, as defined in Section 5-182.1. (a)(1)a) of Land Development Code. The proposed note amendment generates an increases of 86 trips per P.M. peak hour.

|                 | Existing Use<br>Trips per Peak Hour (PM) | Proposed Use<br>Trips per Peak Hour (PM) |
|-----------------|--|--|
| Residential     | 0  | 86                                       |
| Non-Residential | 1,325                                    | 1,325                                    |
| Difference      | Increase of 86 Trips per PM Peak Hour    |  |

This plat was recorded with a note requiring development to occur before five (5) years from date of plat approval. This note is no longer required by the Land Development Code.

**6. Concurrency - Water and Wastewater Capacity**

This plat receives water and wastewater from the utilities listed below:

|                         | Potable Water   | Wastewater      |
|-------------------------|-----------------|-----------------|
| Utility Provider:       | City of Miramar | City of Miramar |
| Plant name:             | Miramar (04/21) | Miramar (06/21) |
| Design Capacity:        | 17.75 MGD       | 12.70 MGD       |
| Annual Average Flow:    | 2.45 MGD        | 10.18 MGD       |
| Estimated Project Flow: | 0.14 MGD        | 0.11 MGD        |

Sufficient capacity exists at this time to serve the proposed development; however, approval of this plat note does not guarantee reservation of future capacity. Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system.

**7. Concurrency – Regional Parks**

Broward County Parks and Recreation Division reviews all projects for Regional Park impacts and have reviewed this application and have no objection to this note amendment. This plat with the amended note satisfies the regional park concurrency requirement of Broward County Land Development Code.

**8. Concurrency - Public School**

Based on student generation rate adopted by the School Board and incorporated into the Land Development Code, this plat generates several students, and in accordance with Section 5-182.9(a)(1) of the Land Development Code, determined that it satisfies public school concurrency on the basis that adequate school capacity is expected to be available to support the proposed development. The Midrise development proposed by this plat will be subject to school impact fees which will be assessed in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County Environmental review and must be paid prior to the issuance of the building permit. The School Board staff provided a School Capacity Availability Determination (SCAD) letter attached as **Exhibit 5**.

**9. Impact Fee Payment**

All impact fees (school impact, park impact and transportation concurrency) will be calculated by the Urban Planning Division, Development and Environmental Review Section; assessed based on construction plans submitted for environmental review approval and must be paid on date of building permit issuance.

**10. Environmental Review**

This plat has been reviewed by Environmental Engineering and Permitting Division. **Exhibit 6** provides recommendations to the developer regarding environmental permitting for the future development.

**11. Historic Resources**

This plat has been reviewed the Broward County's consulting archaeologist. The review of available information including archival documents, maps, the Broward County Land Use Plan, and the Florida Master Site File by the County's consulting archaeologist indicates that the proposed development is not likely to impact any significant historical or archaeological resources, and the consulting archaeologist has no objections to this application. See the attached Archaeological Comments, see **Exhibit 7**.

**12. Aviation**

The applicant is advised that any proposed construction or use of cranes or other high-lift equipment must be reviewed to determine if the following apply: Federal Aviation Regulation Part 77; Florida Statutes Chapter 333; and/or the Broward County Airport Zoning Ordinance. Based on the location, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Broward County review, please contact [bbrewster@broward.org](mailto:bbrewster@broward.org). To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov>.

**13. Utilities**

Florida Power and Light (FPL) and AT&T have been advised of this plat and provided no comments.

**14. Notice to Applicant**

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a

state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Specific questions regarding any of the above comments may be directed to each review agency contact person. A list of agency contacts is available on the Planning and Development Management Division's web page at: [www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf](http://www.broward.org/Planning/FormsPublications/Documents/ReviewAgencies.pdf)

#### **FINDINGS**

Staff have reviewed the application and found that it meets the requirement of the Land Development Code and satisfies requirements for Concurrency:

1. This plat is located within the South-Central Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182.1(a)(1)a) of the Land Development Code.
2. This plat has been reviewed by the School Board and satisfies the public-school concurrency requirements of Section 5-182.9(a)(1) of the Land Development Code. See the attached School Capacity Availability Determination received from the School Board.
3. This plat satisfies the solid waste disposal concurrency requirement of Section 5-182.6 of the Broward County Land Development Code.
4. This plat satisfies the regional park concurrency requirement of Section 5-182.7 of the Broward County Land Development Code.

#### **RECOMMENDATIONS**

Based on the review and findings, staff recommends **APPROVAL** of this application, subject to the following conditions which shall assure compliance with the standards and requirements of the Land Development Code:

1. Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **January 25, 2023**.
2. Delete the plat note that references expiration of the Findings of Adequacy.
3. Any structure within this plat must comply with Section 2.1.f Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

DP